UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/1029
5 October 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 1 OCTOBER 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Acting on instructions from my Government, I have the honour to transmit to you herewith, a copy of the document entitled "Special White Paper: on the flagrant violations of the Lusaka Ceasefire Agreement of 10 July 1999, United Nations Security Council resolution 1234 (1999) of 9 April 1999, the 1989 United Nations Convention on the Rights of the Child and the 1990 African Charter on the Rights and Welfare of the Child by the aggressor countries (Uganda, Rwanda and Burundi) in Katanga and in Orientale province" covering the month of August 1999 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) André M. KAPANGA
Ambassador
Permanent Representative

99-28799 (E) 081099 111099

/...

Annex

SPECIAL WHITE PAPER

on the flagrant violations of the Lusaka Ceasefire Agreement of 10 July 1999, United Nations Security Council resolution 1234 (1999) of 9 April 1999, the 1989 United Nations Convention on the Rights of the Child and the 1990 African Charter on the Rights and Welfare of the Child by the aggressor countries

(Uganda - Rwanda - Burundi)

in Katanga and Orientale province

covering the month of August 1999

Kinshasa, September 1999

CONTENTS

		Page
FOREWORD		4
INTRODUCTION		6
I.	THE MASSACRES AT KASALA IN HAUT LOMAMI, KATANGA	9
II.	THE MASSACRES AT KONGOLO, KIMBUMBU, NONGE AND SOLA IN NORTHERN KATANGA	10
III.	ARMED CLASHES BETWEEN RWANDANS AND UGANDANS, A MAJOR OBSTACLE TO NATIONAL IMMUNIZATION DAYS IN THE OCCUPIED TERRITORIES	12
IV.	INTRODUCTION TO THE TABLE SUMMARIZING SERIOUS VIOLATIONS OF HUMAN RIGHTS, THE BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW, THE LUSAKA CEASEFIRE AGREEMENT OF 10 JULY 1999, UNITED NATIONS SECURITY COUNCIL RESOLUTION 1234 (1999) OF 9 APRIL 1999, THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OF 20 NOVEMBER 1989, AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD OF JULY 1990	15
V.	OUTLOOK FOR THE FUTURE	15
	TABLE SUMMARIZING THE FLAGRANT VIOLATIONS OF THE LUSAKA CEASEFIRE AGREEMENT OF 10 JULY 1999, RESOLUTION 1234 OF THE UNITED NATIONS SECURITY COUNCIL OF 9 APRIL 1999, THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OF 1999 AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD OF 1990 BY THE AGGRESSOR COUNTRIES (UGANDA, RWANDA, BURUNDI) IN KATANGA AND ORIENTALE PROVINCES	18
Appendix		23

FOREWORD

The armed confrontations between Rwanda and Uganda on the territory of the Democratic Republic of the Congo attest to the gravity of the war of aggression being waged against our country by the Rwandan-Ugandan-Burundian coalition.

Now at last the myths about lack of security on the frontiers and internal rebellion are shattered and it becomes clear that the Rwandans and the Ugandans are simply trying to settle their scores on the territory of an independent and sovereign State.

The elements which make up aggression according to article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974 are publicly revealed. It is now up to the Security Council to draw the consequences insofar as these confrontations are part of a systematic pattern of violations of the principles of respect for the territorial integrity and political independence of a State and non-use of force proclaimed by the Charter of the United Nations and of the principle of the intangibility of the frontiers inherited from the colonial period (uti possidetis juris) contained in resolution AGH/Res 16 (1) adopted by the Conference of Heads of State and Government of the Organization of African Unity, held in Cairo on 21 July 1964.

The Democratic Republic of the Congo urges the United Nations Security Council to condemn forthwith the flagrant and shocking violation by the aggressor States of article 1 of General Assembly resolution 3314 (XXIX), of 14 December 1974, and to order them to leave its territory without delay.

The Government of National Salvation, through the Ministry of Human Rights, condemns the loss of life among the Congolese civilian population, including children, women and old people, in the occupied territories.

These vulnerable people who are not participating in the hostilities should first be evacuated from the conflict areas, in accordance with the relevant provisions of article 48 of the Protocol I Additional to the Geneva Conventions which calls on the parties to the conflict to distinguish between the civilian population and combatants and between civilian objects and military objectives. The same goes for article 57 of the above-mentioned Protocol concerning precautionary measures to be taken prior to a military attack.

Unfortunately, in the theatre of military operations in the territory of Kasala in Nord-Katanga, some 40 people were locked up in houses that had been doused with fuel, and burned alive.

The civilian population in Orientale province was not spared the agony of confrontation. On 24 and 25 August, more than 371 people were killed, in systematic violation of the Geneva Conventions of 12 August 1949 and the Protocols additional thereto of 8 June 1977 concerning international humanitarian law.

The Democratic Republic of the Congo requests the United Nations Security Council, the European Union, the Organization of African Unity, the subregional

organizations that are devoted to peace and justice, the States of the Commonwealth, the States members of the International Organization of La Francophonie and national and international non-governmental organizations to bestir themselves and to react to the international mess caused by the aggressor States, bearing in mind the precepts of the Charter of the United Nations, the Charter of the Organization of African Unity and the International Bill of Human Rights. That is the raison d'etre for this special issue of the white paper.

Leonard SHE OKITUNDU
Minister for Human Rights

INTRODUCTION

01. The Democratic Republic of the Congo, through the Ministry of Human Rights wishes to remind the international community that it is firmly devoted to peace. The policy of good neighbourliness is one of the guiding principles of its foreign policy.

02. The international community, of which Rwanda, Burundi and Uganda, States which are the aggressors against the Democratic Republic of the Congo, is governed by a number of fundamental rules and principles. These principles are set forth primarily in the Charter of the United Nations.

03. They were reaffirmed in General Assembly resolution 2625 (XXV) of 24 October 1970, which is known as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. These principles are as follows:

- The obligation for States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

- The obligation to settle international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

- The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

- The duty of States to co-operate with one another in accordance with the Charter;

- Equal rights and self-determination of peoples;

- Sovereign equality of States;

- The requirement to fulfil in good faith the international obligations assumed in accordance with the Charter.

04. The above-mentioned principles stem from customary international law and most, if not all, of them are regularly reaffirmed in treaties or unilaterally. Concerning the principle of the peaceful settlement of disputes, we note with Professor Bula-Bula that the Sirte Peace Agreement of 18 April 1999 is a binding instrument concluded by two of the protagonists to the armed conflict in the Democratic Republic of the Congo, namely Uganda and the Democratic Republic of the Congo but that that is also true of the Lusaka Ceasefire Agreement of

10 July 1999 which also came about following some 20 fruitless international meetings, most of which were held in Africa.[1]

05. Instead, at these meetings the international community should indicate M'zee Laurent Désiré Kabila's concern to reach a peaceful settlement of this war, which has been unjustly imposed on the Democratic Republic of the Congo by the Rwandan-Ugandan-Burundian coalition.

06. As for the principle of good faith in respecting its international commitments, the Government of National Salvation is outraged by the international community's guilty silence in the face of the aggressors' deliberate and repeated violations of the Charter of the United Nations, especially Article 2, paragraph 2.

07. The preamble of the Lusaka Ceasefire Agreement, an international treaty par excellence, underlines the need to ensure that the principles of good-neighbourliness and non-interference in the internal affairs of other countries are respected and reaffirms the provisions of article III of the Charter of the Organization of African Unity (OAU).

08. The provisions of article III of the OAU Charter, which also apply to the aggressor States, guarantee all members States respect for their sovereignty and territorial integrity and advocate the peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration. The aggression against the Democratic Republic of the Congo flouts these basic principles, which are intended to govern relations between States members of the Organization of African Unity.

09. Referring to the provisions of Article 2, paragraph 4, of the Charter of the United Nations and article III of the OAU Charter it can be seen, regrettably, that just after the signing of the Lusaka Ceasefire Agreement, the Rwandan-Ugandan-Burundian coalition defied the international community by ordering the so-called rebels of the Ilunga and Wamba Dia Wamba wings of the Rassemblement Congolais pour la Démocratie (RCD), together with those of the Mouvement pour la Libération du Congo (MLC) of Jean-Pierre Bemba, to engage in a leadership dispute, thereby muddling the situation and systematically blocking the signing of this Agreement by the Congolese accomplices of the aggressor troops.

10. This carefully orchestrated scenario enabled Jean-Pierre Bemba to indulge in the luxury of issuing a one-week ultimatum to the other rebel factions that they must sign the Agreement or he would resume the hostilities. It should be noted that the contracting parties of an agreement are required to respect freely signed commitments.

---

[1] BULA-BULA, Sayeman. "L'Accord de Syrte du 18 avril 1999 pour le règlement des différends dans les Grands Lacs" (The Sirte Agreement of 18 April 1999 to settle the disputes in the Great Lakes region) in African Journal of International and Comparative Law (London), vol. II, No. 3, October 1999 (to be published).

11. Two capital rules govern the matter of treaties, namely, the good-faith implementation of treaties and the principle of pacta sunt servanda (treaties must be respected by the parties that have signed them).[2]

12. Security Council resolution 1234 (1999) of 9 April 1999 reaffirms the obligation of all States to respect the territorial integrity, political independence and national sovereignty of the Democratic Republic of the Congo and other States in the region, including the obligation to refrain from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

13. Thus, any State that has signed a treaty (in this case, the Lusaka Ceasefire Agreement) must not, by its conduct, "deprive it of its object and purpose before its entry into force".[3]

14. There is not the slightest doubt that the social function of the Sirte Peace Agreement and the Lusaka Ceasefire Agreement is to establish peace not only in the Democratic Republic of the Congo but also in the Great Lakes region, which includes Rwanda, Uganda and Burundi. In the theatre of military operations, however, the aggressor States continue their warlike, irredentist policy.

15. What is really being called into question is the effectiveness of the above-mentioned agreements, together with Security Council resolution 1234 (1999) and other relevant international instruments such as the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977 on international humanitarian law, the 1989 United Nations Convention on the Rights of the Child, the 1990 African Charter on the Rights and Welfare of the Child and the African Charter on Human and Peoples' Rights of 18 June 1981, as illustrated by the crimes against humanity recently committed in Kisangani, Sud-Kuvu and Kasala in Nord-Katanga and the sabotage of the national immunization campaign.

16. In this special white paper, the following issues will be discussed: (I) the massacres at Kasala in Nord-Katanga; (II) the massacres at Kongolo, Kimbumbu, Nonge and Sola in Nord-Katanga; (III) the armed clash between Rwandans and Ugandans, a major obstacle to the national vaccination campaign in the occupied territories; (IV) a table summarizing serious violations of human rights, the basic rules of international humanitarian law, the Lusaka Ceasefire Agreement of 10 July 1999 and Security Council resolution 1234 (1999) of 9 April 1999; and (V) outlook for the future.

---

[2] Cf. Article 26 of the Vienna Convention on the Law of Treaties of 23 May 1969.

[3] Ranjeva, Raymond and Charles Cadoux, Droit international public. Paris: Edicef/Aupelf, 1992, p. 46.

I. THE MASSACRES AT KASALA IN HAUT LOMAMI, KATANGA

17. The Government of National Salvation of the Democratic Republic of the Congo draws the attention of the international community, especially that of the United Nations, the European Union and the Organization of African Unity (OAU), to the fact that nothing has been able to stop the Rwandan, Ugandan and Burundian aggressors in their expansionist policies and their unbridled efforts to appropriate the wealth of the Congo, together with their attempt to decimate the Congolese population in the eastern part of the country in order to settle Tutsis there.

18. There is no other way to explain why, in Haut-Lomami, Katanga, during the night of 27 to 28 July 1999, about 40 men, women and children were confined to their huts and burned alive. These criminal acts, unprecedented in the history of armed conflicts in Africa, are neither more nor less than a flagrant and shocking violation of the provisions of article I of the Lusaka Ceasefire Agreement.[4]

19. The statements of James Kabarehe, Commander-in-Chief of the Rwandan troops, to the effect that his troops would "wipe out everything" contravene article I, paragraph 2 (b) of the Lusaka Ceasefire Agreement and the provisions of article 51, paragraph 2, of Additional Protocol I to the Geneva Conventions.

20. The Government of National Salvation denounces these criminal and barbarous acts by the aggressor troops and calls upon the international community to explain its guilty silence.

---

[4] See article I, paragraph 3 (c), of the Lusaka Ceasefire Agreement, which provides that the ceasefire entails the cessation of "all acts of violence against the civilian population by respecting and protecting human rights".

The Kasala massacres, where vulnerable persons (women, children and older persons) were burned alive, are also a violation of:

- The African Charter on Human and Peoples' Rights, article 4, which provides that "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right".

- The African Charter on the Rights and Welfare of the Child, whose article 5 provides that "Every child has an inherent right to life. This right shall be protected by law". In addition, article 22 stipulates that "States Parties shall undertake to respect and ensure respect for the rules of international humanitarian law applicable in armed conflicts which affect the child". The same is true of article 57 of Additional Protocol I of 8 June 1977 to the Geneva Conventions, which states the following: "1. In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects".

21. As can be seen, the machiavellian Rwandan-Ugandan-Burundian coalition is waging this war of aggression in defiance of the basic rules of international humanitarian law which are embodied in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977.

22. There is no doubt that the Rwandan, Ugandan and Burundian Tutsi extremists are pursuing expansionist goals in the Democratic Republic of the Congo, for in carrying out large-scale massacres of Congolese civilians in the occupied territories they hope to install their own people there in order to realize their dream of creating the Hima Tutsi Empire.

23. Several humanitarian principles applicable to armed conflicts have been cited in Security Council resolution 1234 (1999). In paragraph 6 of the resolution the Council calls upon all parties to the conflict in the Democratic Republic of the Congo to protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

24. The Government of National Salvation, under the high authority of His Excellency M'zee Laurent Désiré Kabila, questions the effectiveness and the efficiency of resolutions adopted by the Security Council, which plays the primary role in the maintenance of international peace and security. It is highly unfortunate that Rwanda, Uganda and Burundi should be considered to be "privileged States" by the international community while it is common that the Security Council is clearly avoiding its responsibilities.

25. The Government of National Salvation of the Democratic Republic of the Congo believes that the General Assembly, which is to begin its session in September, must get around the stalemate in the Security Council by acting in the spirit of its resolution 377 (V) of 3 November 1950, entitled "Uniting for peace" and associated with Dean Acheson, in order that the aggressors of the Democratic Republic of the Congo may be clearly named. In the aforementioned resolution, the General Assembly declared that it was "conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States ... does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security".

26. Accordingly, it is up to the States Members of the United Nations, the European Union and the Organization of African Unity to use their influence at the forthcoming session of the United Nations General Assembly to ensure that binding resolutions are adopted so that the aggressor States leave the Democratic Republic of the Congo and that the principles that govern the international community may cease to constitute a form of wishful thinking.

II. THE MASSACRES AT KONGOLO, KIMBUMBU, NONGE AND SOLA IN NORTHERN KATANGA

27. The month of August 1999 was marked by base crimes against humanity and a number of violations of human rights in Katanga Province. These may be

considered to be violations of the Lusaka Ceasefire Agreement of 10 July 1999 and of Security Council resolution 1234 (1999) by the aggressor States.

28. The Democratic Republic of the Congo denounces these criminal acts by the Rwandan-Ugandan-Burundian coalition in the communities around Kasala, particularly in the communities of Kongolo, Kimbumbu, Nonge and Sola.

29. Over 200 people had their throats slit in Kongolo, in Katanga Province, during the month of August 1999; these included approximately 100 children, women and elderly persons.

30. These odious crimes are proof enough that Rwanda, Uganda and Burundi are blithely violating the Lusaka Ceasefire Agreement, particularly article I, paragraph 3 (c), which provides that "the Ceasefire shall entail the cessation of ... all acts of violence against the civilian population by respecting and protecting human rights. The acts of violence include summary executions, torture, harassment, detention and execution of civilians based on their ethnic origin; ... recruitment and use of child soldiers; sexual violence; ... and bombing ...".

31. The Democratic Republic of the Congo, upholding the humanitarian principles applicable to armed conflicts and without demanding reciprocity in this regard, is working with several partners, including the local office of the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross, the humanitarian unit of the United Nations Development Programme, the Apostolic Nunciature and other Western embassies to house civilians of Tutsi origin in appropriate locations in Kinshasa and Lubumbashi.

32. In addition, the repatriation of persons wishing to travel to another host country or to their country of origin is being carried out on the basis of objective criteria, namely the voluntary nature of the departure of the individuals concerned. The Ministry of Human Rights guarantees the exercise of the principles of freedom of movement and non-expulsion. A delegation from the International Organization for Migration is currently visiting Kinshasa to work with the Ministry of Human Rights to ensure that these principles are put into practice.

33. Despite the signing of the Lusaka Ceasefire Agreement which prohibits violations of human rights and international humanitarian law, the Government of National Salvation, through the Ministry of Human Rights, has learned that more than 188 persons were massacred at Kimbumbu, 46 civilians were killed at Nonge and another 50 were used as cannon fodder. Apart from these war crimes, 40 Franciscan nuns were abducted by genocidal Tutsi at Sola in Katanga Province.

34. What is striking about these massacres is that most of the victims were children. These criminal acts violate articles 5 and 22 of the African Charter on the Rights and Welfare of the Child, article 77 of the Additional Protocol I to the Geneva Conventions, article 3 of the Universal Declaration of Human Rights, article 6 of the International Covenant on Civil and Political Rights, and article 4 of the African Charter on Human and Peoples' Rights.

35. In addition to these violations of international legal instruments by Rwandan soldiers in northern Katanga during August 1999, it has been reported that in the aforementioned villages the soldiers left destruction and desolation in their wake. Some 10,000 families are now homeless because, quite simply, their houses were burnt.[5]

36. The atrocities at Kongolo and Kasala are in addition to those at Malemba-Nkulu, where the aggressors hounded the Congolese civilian population mercilessly.

37. There is nothing to indicate that the Rwandan-Ugandan-Burundian coalition is prepared to respect the Lusaka Ceasefire Agreement, much less Security Council resolution 1234 (1999). Is one then to conclude that, given the international community's silence, the States that are attacking the Democratic Republic of the Congo are "privileged States" and therefore enjoy impunity? The international community must order judicial proceedings against the Rwandan, Ugandan and Burundian criminals operating in the territory of the Democratic Republic of the Congo or else admit that the life of a farmer in Kasala or Kongolo is worth less than the life of a farmer in Kosovo.

III. ARMED CLASHES BETWEEN RWANDANS AND UGANDANS, A MAJOR OBSTACLE TO NATIONAL IMMUNIZATION DAYS IN THE OCCUPIED TERRITORIES

38. While the first phase of the second national immunization days (NIDs) were a complete success in Kinshasa, with 99 per cent of all children immunized as a result of joint efforts by the Government of National Salvation and its international partners, the same was not true of the territories occupied by the aggressor troops.

39. In fact, the clashes on 14, 15 and 16 August 1999 between armed Rwandan and Ugandan troops in Congolese territory disrupted the poliomyelitis immunization campaign in Orientale Province, which, unfortunately, began with the loss of 3 million doses of vaccine intended for children aged five years and under. The stock of vaccine intended for children in this part of the country subsequently deteriorated owing to the loss of electric power occasioned by the clashes.

40. A hitherto unrecorded event in the annals of history occurred when two foreign armies (Rwanda and Uganda), flouting all international civility, waged battle on the territory of another sovereign State (the Democratic Republic of the Congo). What further proof is needed of their contempt for the Lusaka Ceasefire Agreement, the Sirte Peace Agreement, Security Council resolution 1234 (1999) and the International Bill of Human Rights?

41. It is important that the Congo dossier contain the information gathered by the Department of International Law and International Relations of the University of Kinshasa Faculty of Law during a symposium on the aggression

---

[5] These acts are contrary to the provisions of article 53 of the Fourth Geneva Convention, on the protection of civilians in time of war.

against the Democratic Republic of the Congo and the role of international law. Professor Ntumba Luaba Lumu was entirely correct when he spoke of an attempt to eliminate, in plain sight of the United Nations, the Democratic Republic of the Congo, a State Member of the Organization, which he called a "staticide". Such an occurrence is no longer unusual, as the situation in the eastern part of the Democratic Republic of the Congo shows.[6]

42. The armed clashes in Kisangani likewise demonstrate amply that the armed conflict in the Democratic Republic of the Congo is an international conflict or, in other words, "a war of aggression by procuration waged to promote the international disorder which has so often been decried. Whitewashing it by calling it a genuinely phoney rebellion hardly succeeds in masking reality: two foreign armies, in this case Rwandan and Ugandan, have been gallivanting about for weeks in the Democratic Republic of the Congo, camping here to make off precious ores, bivouacking there to slaughter defenceless civilians, and all of this in front of everyone, including the United Nations".[7]

43. The President of the Republic, M'zee Laurent Désiré Kabila, speaking of this shameful battle between Rwanda and Uganda on Congolese soil, said simply, "The masks have fallen".

44. The armed aggression characterized by various acts committed by the aggressors is a violation erga omnes, attributable to all. Every member of the international community now has a legal interest in seeing that the essential universal value that has been dishonoured, namely respect for the sovereignty and territorial integrity of the Democratic Republic of the Congo, is restored. Rwanda and Uganda have an obligation to observe the rules of jus cogens or the peremptory norms of public international law.

45. The Government of National Salvation of the Democratic Republic of the Congo, in keeping with the World Declaration on the Survival, Protection and Development of Children of 30 September 1990, has expressed its acceptance of the three-day truce that is to be observed by the warring parties. The Declaration states, in paragraph 20 (8): "We ask that periods of tranquillity and special relief corridors be observed for the benefit of children, where war and violence are still taking place."

46. The Convention on the Rights of the Child, which was unanimously adopted by the General Assembly in 1989, is the document which best reflects the international community's aspirations for children.

47. This Convention sets universal legal norms which are intended to protect children from insufficient care, ill-treatment and exploitation and to ensure their enjoyment of their fundamental human rights, including the right to survival, development and full participation in social, cultural, educational and other activities.

---

[6] Bula-Bula, op. cit., p. 6.

[7] Ibid., pp. 7 and 8.

48. Among the specific measures to be taken to ensure the survival, protection and development of children, the Plan of Action for implementing the World Declaration notes that "... childhood diseases - such as measles, polio, tetanus, tuberculosis, whooping cough and diphtheria, against which there are effective vaccines, and diarrhoeal diseases, pneumonia and other acute respiratory infections that can be prevented or effectively treated through relatively low-cost remedies - are currently responsible for the great majority of the world's 14 million deaths of children under 5 years and disability of millions more every year".

49. The Government of National Salvation of the Democratic Republic of the Congo and the entire Congolese people wish to inform the international community that if the so-called rebels and their Rwandan-Ugandan-Burundian commanders were true liberators who were concerned about the social welfare of the Congolese people, as was the case with the revolution of 17 May 1997 under the supreme leadership of M'zee Laurent Désiré Kabila, they could have observed the truce so that Congolese children would be vaccinated.

50. In this connection, does not Security Council resolution 1234 (1999), in paragraph 10, acknowledge the "commitment by the parties to the conflict in the Democratic Republic of the Congo to stop fighting in order to allow an immunization campaign" and urge the parties to take concrete action in order to provide greater protection to children exposed to armed conflict in the Democratic Republic of the Congo"?

51. So long as the aggressor States violate Security Council resolution 1234 (1999) with impunity, they will continue to feel entitled to act as "authorized violators" of the Lusaka Agreement, paragraph 10 of which states: "The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors and creation of conditions conducive to the provision of urgent humanitarian assistance to displaced persons, refugees and other affected persons."

52. One of the principal goals of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s is the elimination of poliomyelitis throughout the world by the year 2000 and the maintenance of a high rate of immunization (at least 90 per cent of all children under one year of age by the year 2000) against diphtheria, whooping cough, tetanus, measles, poliomyelitis and tuberculosis.

53. In view of the heavily armed clashes taking place between Rwanda and Uganda, the aggressors of the Democratic Republic of the Congo who compromised the national immunization days in the occupied territories, the Government of National Salvation urges the United Nations, through the General Assembly at its fifty-fourth session, to condemn the aggressor States and to establish the international responsibility of Uganda, Rwanda and Burundi for failing to honour their international commitments.

IV. INTRODUCTION TO THE TABLE SUMMARIZING SERIOUS VIOLATIONS OF HUMAN RIGHTS, THE BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW, THE LUSAKA CEASEFIRE AGREEMENT OF 10 JULY 1999, UNITED NATIONS SECURITY COUNCIL RESOLUTION 1234 (1999) OF 9 APRIL 1999, THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OF 20 NOVEMBER 1989, AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD OF JULY 1990

54. The table appended to this document is only a snapshot, giving no more than an indication, albeit a revealing one, of the blatant, deliberate and massive violations of human rights and international humanitarian law in Nord-Katanga and in Orientale province. It also highlights flagrant and shocking breaches of the Sirte Peace Agreement of 18 April 1999 and the Lusaka Ceasefire Agreement of 10 July 1999, as committed by the Rwandan, Ugandan and Burundian aggressors.

55. In accordance with the Latin adage "Nullum crimen sine lege, nulla poena sine lege", this special issue of the white paper allows the reader to see the crimes that were committed while simultaneously observing what international provisions were violated.

V. OUTLOOK FOR THE FUTURE

56. Surely the Congolese people now deserve peace, after being afflicted by cyclical wars. What is the Security Council waiting for in order to condemn the Kisangani events and the gross violations of human rights endured by the peaceful Congolese people? What is the Security Council waiting for in order to implement its resolution 1234 (1999) and permit implementation of the Lusaka Ceasefire Agreement, by applying Chapter VII of the Charter of the United Nations, if need be? The Security Council has the option of adopting whatever measures it considers pertinent in order to address a threat to peace or a breach of the peace.

57. In its resolution 1234 (1999), the Council called upon uninvited forces to put an end to their presence in the territory of the Democratic Republic of the Congo and to take immediate steps to that end. To date, there has been no hint of withdrawal from the Democratic Republic of the Congo. On the contrary, the forces of aggression are being tempted by fresh territorial conquests. The Council reaffirmed its readiness to consider the active involvement of the United Nations, in coordination with the Organization of African Unity, including through concrete sustainable and effective measures, to assist in the implementation of an effective ceasefire agreement and in an agreed process for political settlement of the conflict (para. 15 of the resolution).

58. What is the Council waiting for in order to take this action? It continues to make deployment of an international force contingent on an effective cessation of hostilities. In other words, the Council will not get involved in the Congolese quagmire until the Ugandans and the Rwandans cease hostilities. What a paradox! Has the Council not been given a mandate to impose peace, even through enforcement action?

59. The contracting parties to the Lusaka Ceasefire Agreement also recognized that Security Council prerogative. Even if they had not, the Council has the power to act proprio motu. Article III, paragraph 11 (a), of the Lusaka agreement reads as follows:

> "The United Nations Security Council, acting under Chapter VII of the UN Charter and in collaboration with the OAU, shall be requested to constitute, facilitate and deploy an appropriate peacekeeping force in the DRC to ensure implementation of this Agreement; and taking into account the peculiar situation of the DRC, mandate the peacekeeping force to track down all armed groups in the DRC. In this respect, the UN Security Council shall provide the requisite mandate for the peacekeeping force."

60. The procrastination - not to say, shameful inaction - of the Security Council is at odds with its primary mission and with the scope of the problems to be resolved in the war-stricken Congolese provinces. The Congolese people will judge the United Nations in terms of its ability to enforce its Charter by bringing an end to the armed conflict in the Democratic Republic of the Congo, which has given rise to gross violations of human rights.

61. In his communication of 13 January 1999, the Minister for Human Rights appealed to the European Union, through the ambassadors of the member States accredited to the Democratic Republic of the Congo, to condemn unequivocally the aggression against our country, as well as the gross and serious violations of human rights committed by the Rwandan, Ugandan and Burundian aggressors.

62. The Democratic Republic of the Congo is convinced that the European Union, which includes two permanent members of the Security Council and engages in substantial multilateral cooperation with the African States under the Lomé Convention, has the ability and the duty to contribute to a resolution of the armed conflict in the Democratic Republic of the Congo. Needless to say, the States members of the European Union are committed to the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law (see the preamble to the Treaty on European Union, signed at Maastricht on 7 February 1992). In the context of cooperation between the European Union and the African, Caribbean and Pacific States (ACP), particular attention is paid to the commitment to dignity and human rights, which constitute legitimate aspirations of individuals and peoples.

63. The Lomé IV Convention (as revised by the Mauritius agreement of 4 November 1995) states in article 5, paragraph 1, that development policy and cooperation are closely linked to respect for and enjoyment of fundamental human rights and freedoms. On the basis of these principles, the European Union is supposed to put sustained pressure on the aggressors and their Congolese accomplices, to make them respect the Lusaka Ceasefire Agreement and the legitimate right of the Congolese people to live in peace and not be subjected to atrocities. Failing that, the European Union has the right to suspend its cooperation with the aggressor countries, in accordance with article 366 bis of the Lomé Convention.

64. The States members of the Organization of African Unity could also do useful work to promote peace in the Democratic Republic of the Congo by

enforcing the fundamental principles of its Charter and, inter alia, by having recourse to the new Mechanism for Conflict Prevention, Management and Resolution.

65. The Government of National Salvation strongly objects to the slow processing of the communication submitted by the Democratic Republic of the Congo to the African Commission on Human and Peoples' Rights. Having held its most recent session in Bujumbura, the Commission plans to meet in Kigali next November. The choice of those two capitals is by no means fortuitous, at a time when the Commission has before it a complaint from the Democratic Republic of the Congo against Uganda, Rwanda and Burundi. The Government appeals to the current Chairman of the Organization of African Unity and to the Secretary-General of the Organization to ensure respect for the impartiality of the Commission.

66. At the dawn of the third millennium, the Congolese people have every right to expect decisive action by the international community in helping to restore peace and put an end to the gross and serious violations of human rights committed by the aggressors and their Congolese accomplices.

TABLE SUMMARIZING THE FLAGRANT VIOLATIONS OF THE LUSAKA CEASEFIRE AGREEMENT OF 10 JULY 1999, RESOLUTION 1234 OF THE UNITED NATIONS SECURITY COUNCIL OF 9 APRIL 1999, THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD OF 1999 AND THE AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD OF 1990 BY THE AGGRESSOR COUNTRIES (UGANDA, RWANDA, BURUNDI) IN KATANGA AND ORIENTALE PROVINCES

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN KATANGA AND ORIENTALE PROVINCES	LEGAL NORMS VIOLATED
I. IN KATANGA PROVINCE	
1. At Kasala	
The inhabitants of Kasala in the territory of Malembankulu, faithful to the institutions of the Democratic Republic of the Congo, categorically refused to go over to the side of the Rwandan aggressors. The latter consequently decided to punish them for their temerity.	Article 20, paragraph 2, of the Universal Declaration of Human Rights: "No one may be compelled to belong to an association"; article 3 of the Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security of person"; article 6 of the African Charter of Human and Peoples' Rights: "Every individual shall have the right to liberty and to the security of his person"; article I, paragraph 3.C., of the Lusaka Agreement: "The Cease-fire shall entail the cessation of ... all acts of violence against the civilian population by respecting and protecting human rights".
In the night of 27 July 1999, the compatriots of Paul Kagame decided to put their criminal plan into effect. In so doing, they crammed 41 villages, men, women and children, into five houses, and shut them in using padlocks; taking advantage of the darkness resulting from the fact that it was night, they sprinkled petrol on these houses. Following this carnage, there was only a single survivor, including inter alia a girl who, having miraculously survived, described the scene of these odious crimes from the general hospital at Sendwe in Lubumbashi commune, avenue Likasi, Katanga province.	Article 40 of Additional Protocol I to the Geneva Conventions of 12 August 1949: "It is prohibited to order that there shall be no survivors, to threaten an adversary therewith or to conduct hostilities on this basis"; article 35 of the same Protocol: "In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited. It is prohibited to imply weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury"; article V of the African Charter on the Rights and Welfare of the Child: "Every child has an inherent right to life.

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN KATANGA AND ORIENTALE PROVINCES	LEGAL NORMS VIOLATED
	This right shall be protected by law"; article 38 of the United Nations Convention on the Rights of the Child of 20 November 1989: "States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child"; article 6, paragraph 1, of the International Covenant on Civil and Political Rights: "Every human being has the inherent right to life ... No one shall be arbitrarily deprived of his life".
2. <u>At Kongole, Kimbumbu and Nonge</u>	
After the 41 people burned alive at Kasala, it is reported that more than 200 people were massacred, including 188 who had their throats cut at Kimbumbu, 46 killed at Nonge and 2 others used as cannon fodder.	Article 3 of the Universal Declaration of Human Rights: "Every one has the right to life, liberty and security of person"; article 6 of the International Covenant on Civil and Political Rights; article 4 of the African Charter on Human and Peoples' Rights; article 32 of the Fourth Geneva Convention on Protection of Civilian Persons, prohibiting murder, torture, corporal punishment, mutilation, etc.
Apart from these foul killings, 40 Franciscan nuns were abducted by Rwandan soldiers to Sola. Following a clash between the CAF and Rwandan troops, 18 of them were recovered, but there is no news of the other 22. To these nuns must be added Father Baudouin Waterkane, of Belgian nationality, a school principal, a seminarist and a sacristan, who were also abducted and taken to an unknown destination.	Article 49 of the Fourth Geneva Convention of 12 August 1949 on Protection of Civilian Persons: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power ... are prohibited, regardless of their motive"; article 9 of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary arrest, detention or exile"; article 9 of the International Covenant on Civil and Political Rights of 1966: "Every one has the right to liberty and security of person ... No one shall be deprived of his liberty

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN KATANGA AND ORIENTALE PROVINCES	LEGAL NORMS VIOLATED
	except on such grounds and in accordance with such procedure as are established by law"; article 15, paragraph 5, of Additional Protocol I to the Geneva Convention: "Civilian religious personnel shall be respected and protected"; article 51 of the same Additional Protocol; article 1, paragraph 3.C., of the Lusaka Agreement; resolution 1234, paragraph 6.
More than 10,000 families are homeless, as their houses have been burned. Schools and churches have been either burned or destroyed by rocket fire by Rwandan soldiers. Married women, young women and girls aged between 6 and 14 have been raped, and some of them even died as a result.	Article 53 of the Fourth Geneva Convention, on Protection of Civilian Persons, relates to prohibited types of destruction: "Any destruction by the Occupying Power of real or personal property ... is prohibited ..."; article 27, paragraph 2, of the Fourth Geneva Convention: "Women shall be especially protected against any attack on their honour, in particular against rape ..."; article 76 of Additional Protocol I to the Geneva Conventions: "Women shall be the object of special respect".
II. IN ORIENTALE PROVINCE	
Everything began at 1 a.m. on Sunday, 15 August 1999. Rwandan forces commanded by James Kabarehe deployed between Gbangoka airport and the headquarters of the Ugandan armed forces at la Forestière. Since Saturday, 14 August 1999, fighting with heavy weapons had been taking place in the centre of Kisangani between the Ugandan and Rwandan regular armies.	"shall be protected ... against any ... form of indecent assault"; article XXII of the African Charter on the Rights and Welfare of the Child: "States parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child"; article I, paragraph 3, of the Lusaka Ceasefire Agreement, which prohibits acts of violence, including sexual violence.

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN KATANGA AND ORIENTALE PROVINCES	LEGAL NORMS VIOLATED
The armed clashes between the Rwandan and Ugandan armies in Kisangani led to the deaths of approximately 200 people, including increasing numbers of children and women.	Violation of article I, paragraphs 2 (b) and (c), of the Lusaka Ceasefire Agreement of 10 August 1999, which provides that the ceasefire shall mean "b. the effective cessation of hostilities, military movements and reinforcements, as well as hostile actions, including hostile propaganda; c. a cessation of hostilities within 24 hours of the signing of the Ceasefire Agreement".
The United Nations Humanitarian Coordination Office has made public, in a press release, the clarificatory note on the incidents which marked the preparations for the National Vaccination Campaign. The GOMAIR company had made space available in its Boeing 707 cargo aircraft flying to Kisangani for the team coordinating the preparation of the campaign to ship supplies.	Article 5 of the African Charter on the Rights and Welfare of the Child, of 1990: "Every child has an inherent right to life. This right shall be protected by law"; article 22 of the same Charter: "States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child".
The supplies consisted of about 100 barrels of fuel required to run the refrigeration equipment for a number of health zones in Orientale and Equateur provinces. The carrier was compelled to postpone the flight following an order by Rwandan military officials. The United Nations, through its humanitarian officials in Goma, expressed its displeasure at the interference, which delayed a humanitarian operation and constituted a breach of the principles of humanitarian engagement officially subscribed to by all parties to the conflict in the Democratic Republic of the Congo.	Article III, paragraph 10 of the Lusaka Ceasefire Agreement: "The Parties shall facilitate humanitarian assistance through the opening up of humanitarian corridors ..."; fifth preambular paragraph of the Lusaka Ceasefire Agreement: "We the Parties to this Agreement ... DETERMINED to ensure the respect, by all Parties signatory to this Agreement, for the Geneva Conventions of 1949 and the Additional Protocols of 1977, and the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 ..."; paragraph 9 of the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, to the effect that children's diseases such as measles, polio, ... will have to be combated by

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN KATANGA AND ORIENTALE PROVINCES	LEGAL NORMS VIOLATED
	States;[1] article 38 of the United Nations Convention on the Rights of the Child of 1989: "States parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child".

[1] While Rwanda, Burundi and Uganda were represented by their respective heads of State at the World Summit for Children on 29 and 30 September 1990. Where child health was concerned, it was decided that polio should be eliminated throughout the world by the year 2000.

Appendix

ECUMENICAL DECLARATION OF PROTEST AND SOLIDARITY
OF THE RELIGIOUS DENOMINATIONS

Since 2 August 1998, the Democratic Republic of the Congo has been in a situation of a war of aggression-rebellion that we all deplore. This war has already opened the way to all of the other forms of war: high cost of living, constant increase in prices on the market, drift of the currency, deterioration of the economic fabric, seasonal shortage of fuel, difficulties of public transport, deterioration of social conditions, destruction of school, hospital and road infrastructures, cancellation of the vaccination of children against polio in the occupied territories, etc. In short, the social destitution, which is increasing every day, has reached the height of the intolerable for any self-respecting human being.

As if all this destitution and all these deaths caused by the war were not enough, the latest developments in the war shock us and lead us to speak out again in order to register a strong protest.

In Kisangani, the capital of Orientale Province, a few days ago, two foreign armies, Rwandan and Ugandan, were just waging war against one another over our wealth, which they are plundering, with a very heavy toll of several dead. Two foreign armies, Rwandan and Ugandan, have come to fight one another in our country; what a violation of international law! And they have done so without any immediate and concrete action by the international community, and specifically the United Nations, the European Union and the Organization of African Unity. How humiliating for our Congolese armed forces! How humiliating for an entire people!

To the international community,

Considering our pastoral responsibility before God and before the people, and as witnesses of our country's history, we, the heads of the Catholic, Protestant, Orthodox, Kimbanguist and Muslim religious denominations in Kinshasa:

Strongly condemn the exploitation of our wealth and the wicked destruction of human lives of which the country is a victim by all the foreign armed forces, above all Rwandan and Ugandan, who one day or another will leave us with a country that has been bled dry, exploited, plundered and ruined;

Call on the international community, especially the major Powers, to bring all their influence to bear to put an immediate end to this war which is continually casting into mourning a population already weakened by these many consequences, and to support the Lusaka Agreement unreservedly and without prevarication;

Denounce the strategies of the arms manufacturers who provoke and maintain wars with a view to producing their merchandise;

Call on the African heads of State to avoid armed conflicts and any act of self-destruction of their own peoples;

Recall the idea of African unity that inspired the fathers of African independence, and the promotion of culture, tolerance, reconciliation and peace;

Urge the churches of the countries attacking us to call on their Governments to withdraw their armies and respect the territorial integrity of the Democratic Republic of the Congo.

To the Congolese nation,

Considering our pastoral responsibility before God and before His people, and as witnesses of our country's history, we, the heads of the Catholic, Protestant, Orthodox, Kimbanguist and Muslim religious denominations in Kinshasa:

Also invite the head of State, Laurent Désiré Kabila, to liberalize the political scene in the Democratic Republic of the Congo;

Also invite all the sons and daughters of our dear Congo to national reconstruction and dialogue with a view to opening the great building sites of national reconstruction during the third millennium;

Express our condolences to our brothers and sisters who have lost relatives in the course of this war and pay tribute to the memory of our martyrs who have fallen during this war, and in particular those of the events at Kisangani.

United in faith in God, the master of life and of history, we urge you, brothers and sisters, to count always on the love of God for His people, especially at this time of great ordeals for our country. For God never abandons His people.